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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
-----x

3 UNITED STATES OF AMERICA,

4 v.

12-CR-171 (JPO)

5 MIKHAIL ZEMLYANSKY, MICHAEL
6 DANILOVICH, TATYANA
7 GABINSKAYA, JOSEPH VITOULIS,
BILLY GERIS,

8 Defendants.

Jury Trial

9 -----x
10 New York, N.Y.
October 28, 2013

11 10:20 a.m.

12 Before:

13 HON. J. PAUL OETKEN,

14 District Judge

16 APPEARANCES

17 PREET BHARARA

18 United States Attorney for the
Southern District of New York

19 EDWARD Y.K. KIM

20 PETER M. SKINNER

DANIEL S. NOBLE

21 Assistant United States Attorneys
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10 Attorneys for Defendant Joseph Vitoulis
BY: STANISLAO A. GERMAN, ESQ.11 MYERS SINGER & GALIARDO LLP
12 Attorneys for Defendant Joseph Vitoulis
BY: MATTHEW D. MYERS, ESQ.13 ALSO PRESENT: DONALD ANSPACHER, FBI
14 MICHAEL KELLEY, FBI

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Deliberations

1 (Deliberations resumed; jury not present)

2 THE COURT: I know Mr. Creizman is out and you're
3 covering for him, Ms. Antonsson?

4 MR. GERSHFELD: I am too, Judge. He texted me.

5 THE COURT: And Ms. Maglieri is here, the government
6 is here.

7 No additional note or anything. The jury began
8 deliberating at 9:50 this morning when the last one arrived. I
9 think the only matter we had to cover is I have the latest
10 version of the redacted Zarick testimony so I would propose to
11 simply send this copy in. You all have seen the redactions.
12 Are there any objections to the final version?

13 MR. GERMAN: No. It is all set, Judge.

14 THE COURT: Great. So we will send that in.

15 Anything else?

16 MR. KIM: Not from the government, your Honor.

17 THE COURT: All right. Thank you.

18 (recess pending verdict)

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Deliberations

A F T E R N O O N S E S S I O N

3:20 p.m.

THE COURT: Okay. I think Mr. Skolnik told you about a note we received this morning. We also have a second note requesting additional testimony which we just received. The first one, which you know about, has been marked Court Exhibit 11 and I will just read it for the record.

Good morning. The jury would like to request the testimony of Braddom. Thank you. Signed, juror no. 8, the foreperson.

Do we have the redacted copy?

MR. SKINNER: Yes, your Honor.

THE COURT: So, we will send that in. Here is the second one we have just received and this has been marked Court Exhibit 12.

Good afternoon. I would like to request the testimony of Robert Sukhman on 9/25, 12:40 p.m. to 1:00 p.m. Thank you. Juror no. 8.

MR. FISCHETTI: Can we have the time again, Judge?

THE COURT: Yes. Robert Sukhman on 9/25, 12:40 p.m. to 1:00 p.m.

They're getting very specific, it seems.

MR. KIM: Maybe we can work with Ms. Utter to figure out what line it starts at and circulate a copy of that portion of his testimony.

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Deliberations

1 THE COURT: Okay. So those notes have been marked,
2 you can work on that, again 9/25, 12:40 to 1:00 p.m. These are
3 marked for the record and we will go ahead and send in the
4 Braddom testimony. Okay?

5 Anything else?

6 MR. KIM: No, your Honor. Thank you.

7 THE COURT: Thanks.

8 (recess pending verdict)

9 THE COURT: We did receive another note just a little
10 while ago this afternoon that just said: Good afternoon. The
11 jury would like to leave at 5:00 p.m. today and come in
12 tomorrow at 9:30 a.m. Juror no. 8.

13 So, I would propose to just bring them in and let them
14 go for the evening and the usual reminders, and then tell them
15 they can begin deliberating tomorrow morning when all 12 of
16 them are present.

17 MR. KIM: Your Honor, the note you just read, is that
18 Court Exhibit 13?

19 THE COURT: Yes. I'm sorry. That's Court Exhibit 13.

20 (Continued on next page)

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Deliberations

1 (Jury present)

2 THE COURT: Good afternoon, ladies and gentlemen.

3 THE JURY: Good afternoon.

4 THE COURT: Just for the record, I will note I
5 received your notes from today and first one requests that the
6 testimony of Dr. Braddom, that is Court Exhibit 11, and we
7 gathered the copy of the transcript of that testimony and
8 provided it to you earlier, and the second one has been marked
9 Court Exhibit 12 which asks for the testimony of Mr. Sukhman
10 which we provided for a certain time period, and then the Court
11 Exhibit no. 13 was your note asking to leave at 5:00 p.m. today
12 and to continue deliberations tomorrow at 9:30 -- and that's
13 fine.

14 I just want to thank you for your diligent work in
15 this case going through the evidence as you deliberate on your
16 verdict and just, I'm going to let you go and you can start
17 tomorrow morning at 9:30 -- but only after all 12 of you have
18 arrived because, as I said, it is only when all 12 of you are
19 present that you should be deliberate on the evidence in the
20 case.

21 Also, one more reminder not to discuss the case this
22 evening, only discuss the case when you are deliberating as a
23 complete jury and don't do any research or any other looking
24 into the case or discussing it with anyone.

25 So, have a good evening everybody and you can continue

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Deliberations

1 deliberating tomorrow morning at 9:30 when all of you are
2 present. Take care.

3 (Jury not present)

4 THE COURT: Have a good night, everybody.

5 (Adjourned to 9:30 a.m., Tuesday, October 29, 2013.)

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